



UNITED STATES PATENT AND TRADEMARK OFFICE

JUL 16 2003

UNDER SECRETARY OF COMMERCE FOR INTELLECTUAL PROPERTY AND  
DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, DC 20231  
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Paper No. 9

In re Application of	:	DECISION ON PETITION
Theodore C. Johnson et al	:	TO WITHDRAW
Serial No. : 09/916,235	:	HOLDING OF
Filed : July 25, 2001	:	ABANDONMENT
For : Method for Detecting and Treating Tumors Using	:	
Localized Impedance	:	

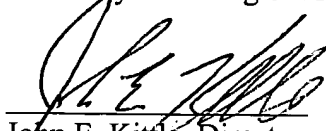
This is a decision on petitioner's request filed June 12, 2003, to review the holding of abandonment mailed April 18, 2003, for failure to respond to the Office action mailed September 11, 2002. The basis for the request is that applicant did not receive the Office action mailed September 11, 2002. There is no fee required for this petition.

In order to overcome the presumption of delivery of an Office action, a practitioner must submit the following: (1) a statement from the practitioner stating that the Office action was not received by practitioner; (2) a statement attesting to the fact that a search of the file jacket and docket record indicates that the Office action was not received; and (3) a copy of the docket record where the non-received Office action would have been entered had it been received and docketed. See 1156 OG 53. The request filed June 12, 2003 includes all the above elements. The request is therefore GRANTED.

A review of the file also shows, as correctly pointed out by petitioner, that the Office action of September 11, 2002 and the Notice of Abandonment mailed April 18, 2003, were mailed to an incorrect address as the Office had not processed a change in power of attorney that was filed January 24, 2002. Any inconvenience is respectfully regretted.

In view of the above facts, the abandonment of the application was in error and is hereby withdrawn. Upon the mailing of this decision, the application will be forwarded to the Legal Instruments Examiner for the processing of the change in power of attorney filed January 24, 2002 and the remailing of the Office action originally mailed September 11, 2002.

Summary: Holding of Abandonment Withdrawn.

  
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